

REMARKS

Applicants have thoroughly considered the Examiner's remarks in the February 20, 2008 final Office action and claims 1-21 and 23 are presented in the application for further examination. By this Amendment B, Applicants amend claims 13, 21, and 23. Reconsideration of the amended application in view of the following remarks is respectfully requested.

Claim Objections

Claims 13 and 21 stand objected to because of the following informalities: claims 13 and 21 recite the term or limitation "computer storage readable medium." Claims 13 and 21 have been amended as suggested by the Examiner, thus the objection should be withdrawn.

Claim Rejections Under 35 U.S.C. § 112

Claim 23 stands rejected under 35 U.S.C. § 112. Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 23 has been amended to recite "determining a state of the client device", therefore, the rejection of claim 23 should be withdrawn.

Claim Rejections Under 35 U.S.C. § 102

Claim 23 stands rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pub. No. 2002/0095454 to Reed et al. (herein after Reed). A claim is anticipated only if each and every element as set forth in the claim is disclosed, either expressly or inherently in a single prior art reference. Applicants respectfully submit that each and every element as set forth in the recited claim is not found, either expressly or inherently in the Reed reference. Thus, Reed does not anticipate the claim.

Reed teaches a system for transferring data, metadata and methods from a provider computer to a consumer computer through a communications network. (Reed, Abstract). The Examiner asserts that paragraph 291 of Reed teaches not sending the sync notification to the client device, if the state of the client device indicates the client device is not in the up-to-date state prior to the received notification. Applicants disagree; paragraph 291 of Reed merely teaches a method to automate acknowledgements of received communication objects. **The**

provider can cause an acknowledgment message to be returned to the provider program. (Reed, page 31, paragraph [0291]). When a consumer program receives a communications object instance from a provider program, the consumer program executes the object's receipt methods, including the SendAck method **which changes the value of the AckFlag attribute to TRUE to acknowledge the communications object has been received.** (Reed, page 31, paragraph [0291]). The provider program periodically executes an AckMonitor method to queries for all acknowledgment associations where AckDateTime is equal to or less than NOW and AckFlag is FALSE. (Reed, page 31, paragraph [0291]). **Those instances meeting this criteria represent recipients from whom acknowledgment messages have not been received in the allotted interval.** (Reed, page 31, paragraph [0291]). And **after the retry count increments beyond a threshold**, Reed teaches **further user notification could be triggered**, as well as other appropriate actions designated by the provider, such as **deletion or inactivation of the recipient instance.** (Reed, page 31, paragraph [0291]). In other words, in paragraph 291, Reed merely teaches the **sending of and receiving of acknowledgements**, not notifications. Furthermore, Reed teaches away from the claimed invention because **actions are performed in response to a retry count, not the state of the device.**

However, Reed teaches **that a notification regarding the object is sent to the user according to his/her preferences.** (Reed, page 21, paragraph [0207]). Examples of notification preferences include "having the object **displayed immediately, to receive an e-mail** about the previously presented object, to include a message about the previously **presented object in the user's notification report** (including its size, methods, update intervals, etc.), or any other notification action or combination of actions. (Reed, page 21, paragraph [0207]). For example, the user may wish to have an object displayed immediately if the user manually selected it as a HTTP request from a Web site, but not if it was an object update retrieved automatically via a Web HTTP polling request by the consumer program 22, or if it arrived via e-mail. (Reed, page 21, paragraph [0207]).

In contrast, claim 23 recites:

receiving notification that an event of interest has been received;
determining if a trackingGUID (globally unique identifier) equals a syncGUID, wherein the syncGUID is updated after each successful device synchronization of the client device and the trackingGUID is the last known syncGUID;

determining a state of the client device is not up-to-date when the trackingGUID (globally unique identifier) equals the syncGUID, wherein the client device has not performed a sync since a prior notification was processed and the client device is not in the up-to-date state prior to the received notification;

determining the state of the client device is up-to-date when the trackingGUID (globally unique identifier) does not equal the syncGUID, wherein the client device has performed a sync since the prior notification was processed and the client device is in the up-to-date state prior to the received notification;

sending the sync notification to the client device, if the state of the client device indicates the client device is in the up-to-date state prior to the received notification; and

not sending the sync notification to the client device, if the state of the client device indicates the client device is not in the up-to-date state prior to the received notification.

For example, a user turns a mobile phone off for a few hours while in a meeting or out to lunch. Suppose during that period of time, twenty-five e-mails are received. The method of Reed causes twenty-five separate notifications. Unlike the method taught by Reed, as soon the device is turned back on Applicants' invention causes **only one sync notification** to be received and processed. Advantageously, by "**not sending the sync notification to the client device, if the state of the client device indicates the client device is not in the up-to-date state prior to the received notification**", the client devices will not receive multiple notifications between synchronizations resulting in increased performance and decreased cost by decreasing the amount of data transferred to a device. Thus, the user avoids having to choose between not receiving a notification as soon as a change occurs after synchronization and receiving a notification every time a change occurs as taught by Reed. Thus Reed does anticipate **not sending the sync notification to the client device; if the state of the client device indicates the client device is not in the up-to-date state prior to the received notification** as recited in claim 23. For at least these reasons, Applicants submit that Reed does not anticipate each and every element of claim 23. As such, the rejection of claim 23 should be removed.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Reed in view of U.S. Pub No. 200/20071436 to Border et al. (Border) and further in view of U.S. Pub No. 2005/0086306 to Lemke (Lemke).

Border discloses a system for a proxy architecture. (Border, abstract). As part of the system, Border teaches that an expiration time of a timer to be equal to the timeout value of the time plus the current system time. (Border, page 22, paragraph [0240]). Additionally, Border teaches that on the expiration of the timer, the system makes a check for TCP connection timeouts. (Border, page 22, paragraph [0240]).

Lemke discloses a system for managing the transfer of messages of a network via background delivery. (Lemke, abstract). Lemke teaches setting composite bandwidth values within an interval. (Lemke, page 8, paragraph [0121]).

Claims 1-10

In contrast, claim 1 recites a method to provide a sync notification to a client device comprising the steps of:

receiving notification that an event of interest has been received;

determining a state of the client device, said state indicating whether or not the device has outstanding sync notifications, said state being determined based on a trackingGUID and a syncGUID; and

if the state of the client device indicates that the client device has no outstanding sync notifications:

setting the trackingGUID equal to the syncGUID, wherein the syncGUID is updated after each successful device synchronization of the client device;

setting a timeout equal to a current time plus a predetermined value, said timeout being the maximum time between sync notifications if the state of the client device indicates the client device has at least one outstanding sync notification; and

sending the sync notification to the client device; and

not sending the sync notification to the client device if the state of the client device indicates that the client device has at least one outstanding sync notifications.

For example, the device is up-to-date when, to the server's knowledge, the device is completely in sync with the server with the possible exception of the event which just triggered a

sync notification. (Specification, [0027]). **The device is pending synchronization when a sync notification has been sent to the device telling it to sync with the server, but the device has not yet performed synchronization.** (Specification, [0027]). The syncGUID for a device is updated after each successful device synchronization with the server. (Specification, [0027]). And, the syncGUID is used to designate a parameter that **provides a representation of the state of the device** and it provides an indication of whether an event of interest renders **the device no longer up to date from the perspective of the server** or whether an event of interest occurs and the server has not been contacted by the device for a certain period of time. (Specification, [0027]).

Advantageously, the client devices will not receive multiple notifications between synchronization. This results in increased performance and decreased cost by decreasing the amount of data transferred to a device. And, unlike the system disclosed by Reed, the user does not have to decide on a frequency of notification. Thus, the user avoids the problem of having to choose between not receiving a notification as soon as a change occurs after synchronization and receiving a notification every time a change occurs.

Neither Reed, Border or Lemke, alone or in combination, discloses or makes obvious **determining a state of the client device, said state indicating whether or not the device has outstanding sync notifications** as recited in claim 1. Writing for the Supreme Court, Justice Anthony Kennedy observed that a patent claim is invalid for obviousness when the invention combines familiar elements according to known methods to produce no more than predictable results. *KSR International Co. v. Teleflex, Inc.* U.S., No. 04-1350, 4/30/07. However, in this rejection, neither the **element of determining a state of the client device** nor the **result of sending the sync notification to the client device, if the state of the client device indicates that the client device has no outstanding sync notifications and not sending the sync notification to the client device if the state of the client device indicates that the client device has at least one outstanding sync notifications** is not found in the combined art.

For at least these reasons, Applicants submit that cited reference, alone or in combination, does not teach or make obvious each and every element of claim 1. As such, the rejection of claim 1 should be removed. Additionally, claims 2-10 depending from claim 1 are allowable for at least the same reasons as claim 1.

Claims 11-22

Claims 11-13 and 17-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pub. No. 2002/0095454 to Reed et al. (Reed) in view of U.S. Pub No. 2005/0086306 to Lemke (Lemke).

Claim 11 includes subject matter similar to claim 1 and is allowable for at least the same reasons as claim 1. Additionally, claims 12-21 depending from claim 11 are allowable for at least the same reasons as claim 11.

Claims 14-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pub. No. 2002/0095454 to Reed et al. (Reed) in view of U.S. Pub No. 2005/0086306 to Lemke (Lemke) and further in view of U.S. Pub No. 200/20071436 to Border et al. (Border).

Claims 14-16 depending from claim 11 are allowable for at least the same reasons as claim 11.

Conclusion

Applicants submit that the claims are allowable for at least the reasons set forth herein. Applicants thus respectfully submit that claims as presented are in condition for allowance and respectfully request favorable reconsideration of this application.

Although the prior art made of record and not relied upon may be considered pertinent to the disclosure, none of these references anticipates or makes obvious the recited aspects of the invention. The fact that Applicants may not have specifically traversed any particular assertion by the Office should not be construed as indicating Applicants' agreement therewith.

Applicants wish to expedite prosecution of this application. If the Examiner deems the application to not be in condition for allowance, the Examiner is invited and encouraged to telephone the undersigned to discuss making an Examiner's amendment to place the application in condition for allowance.

The Commissioner is hereby authorized to charge any deficiency or overpayment of any required fee during the entire pendency of this application to Deposit Account No. 19-1345.

Respectfully submitted,

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